

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

CRIMINAL ACTION

v.

KENNETH SMUKLER

NO. 17-563-02

ORDER

AND NOW, this 13th day of July, 2018, upon consideration of Defendant Kenneth Smukler's Motion to Dismiss the Indictment for Vindictive Prosecution (Document No. 45, filed Feb. 2, 2018), the Government's Opposition to Defendant's Motion to Dismiss the Indictment for Vindictive Prosecution (Document No. 50, filed Feb. 16, 2018), Reply in Support of Defendant Kenneth Smukler's Motion to Dismiss the Indictment for Vindictive Prosecution (Document No. 53, filed Feb. 28, 2018), Supplemental Memorandum in Support of Defendant Smukler's Motion to Dismiss Indictment for Vindictive Prosecution (Document No. 68, filed April 11, 2018), and the Government's Response to Defendant's Supplemental Memorandum in Support of Motion to Dismiss for Vindictive Prosecution (Document No. 76, filed April 18, 2018), following oral argument on March 13, 2018, for the reasons set forth in the accompanying Memorandum dated July 13, 2018, **IT IS ORDERED** that Defendant's Motion to Dismiss the Indictment for Vindictive Prosecution is **DENIED**.

IT IS FURTHER ORDERED that defendant's request for additional discovery related to the issue of vindictive prosecution is **DENIED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.